

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

CIVIL ACTION FILE NO.: 4:08-CV-145-F

TIDE TAMER INDUSTRIES, INC. and)
FRANCIS H. SHACKELFORD, JR.,
Plaintiffs)

v.

CONSENT ORDER

BOAT LIFT U.S., INC.,
Defendant)

The parties, by and through their respective undersigned attorneys, have resolved the disputes between them in accordance with a Settlement Agreement executed by them, and having had the opportunity to conduct discovery and being fully apprised of their rights and the facts pertinent to this matter, stipulate and consent to entry of the following Order:

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. United States Patent No. 5,749,313 (the "313 Patent") is owned by Plaintiff Tide Tamer Industries, Inc. and is valid and enforceable in all respects.
3. United States Patent No. 7,213,526 (the "526 Patent") is owned by Terry Hamilton and is valid and enforceable in all respects.
4. This Consent Order is a final judgment on the issues of patent validity, enforceability, and the defenses thereto, and is binding upon and constitutes *res judicata* between the parties.
5. The parties waive all right to appeal from this Order.

6. Following entry of this Order, the parties shall file forthwith a stipulation of dismissal, with prejudice, of this action.

SO ORDERED.

This the 15th day of April, 2009.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE

WE CONSENT TO THE ENTRY OF THIS ORDER:

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